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**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

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SARA PARADA, individually and as  
parent/guardian acting for and on behalf of  
D.P., a minor child,

Plaintiff,

v.

DAVID PENNINGTON, M.D., *et al.*,

Defendants.

**SCHEDULING ORDER**

Case No. 2:21-cv-00534-TS-CMR

District Judge Ted Stewart  
Magistrate Judge Cecilia M. Romero

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Pursuant to Fed. R. Civ. P. 16(b), the court received the [43] Attorney Planning Meeting Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

**\*\*ALL TIMES 12:00 AM UNLESS INDICATED\*\***

- | <b>1.</b> | <b>PRELIMINARY MATTERS</b>   | <b>DATE</b>   |
|-----------|--|---------------|
|           | Nature of claims and any affirmative defenses:<br>Plaintiffs are asserting claims of medical malpractice<br>as set forth in the Complaint. All defenses and<br>affirmative defenses are set forth in Defendants'<br>Answers. |               |
| a.        | Date the Rule 26(f)(1) conference was held?  | 12/07/2021    |
| b.        | Have the parties submitted the Attorney Planning<br>Meeting Report?  | 12/14/2021    |
| c.        | Deadline for 26(a)(1) initial disclosures?   | 02/04/2022    |
| <b>2.</b> | <b>DISCOVERY LIMITATIONS</b>   | <b>NUMBER</b> |
| a.        | Maximum number of depositions by Plaintiff(s):   | 20            |
| b.        | Maximum number of depositions by Defendants:   | 25            |

- |           |  |             |
|-----------|--|-------------|
| c.        | Maximum number of hours for each deposition<br>(unless extended by agreement of parties):  | 7           |
| d.        | Maximum interrogatories by any party to any party:   | 25          |
| e.        | Maximum requests for admissions by any party to any party:   | 25          |
| f.        | Maximum requests for production by any party to any party:   | 25          |
| g.        | The parties shall handle discovery of electronically stored information as follows:<br>The parties stipulate that electronically stored information will be produced initially in .PDF or .TIFF format, except for any photographs or videos. Photographs will be produced in .PDF format, unless a better-quality image is requested, in which case such photograph will be produced in .JPEG format. Videos will be produced in native format. Additionally, the parties stipulate that, upon a request by a party, documents or information previously produced in .PDF format will be produced in native format. Should the party to whom the request is directed object, the parties agree to meet and confer in good faith to resolve the dispute. |             |
| h.        | The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: The parties will follow the procedures outlined in Fed. R. Civ. P. 26(b)(5)(B) and Fed. R. Evid. 502.  |             |
| i.        | Last day to serve written discovery:   | 09/30/2022  |
| j.        | Close of fact discovery:   | 11/01/2022  |
| k.        | ( <i>optional</i> ) Final date for supplementation of disclosures and discovery under Rule 26(e):  | 11/01/2022  |
| <b>3.</b> | <b>AMENDMENT OF PLEADINGS/ADDING PARTIES<sup>1</sup></b>   | <b>DATE</b> |
| a.        | Last day to file Motion to Amend Pleadings:  | 09/01/2022  |
| b.        | Last day to file Motion to Add Parties:  | 09/01/2022  |
| <b>4.</b> | <b>RULE 26(a)(2) EXPERT DISCLOSURES &amp; REPORTS</b>  | <b>DATE</b> |
|           | <b>Disclosures (subject and identity of experts)</b>   |             |
| a.        | Party(ies) bearing burden of proof:  | 12/01/2022  |

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<sup>1</sup> Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

b. Counter disclosures: 01/13/2023

### **Reports**

a. Party(ies) bearing burden of proof: 02/17/2023

b. Counter reports: 03/31/2023

c. Rebuttal reports: 04/21/2023

## **5. OTHER DEADLINES**

### **DATE**

a. Last day for expert discovery: 07/14/2023

b. Deadline for filing dispositive or potentially dispositive motions: 09/15/2023

c. Deadline for filing partial or complete motions to exclude expert testimony: 09/15/2023

## **6. SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION**

### **DATE**

a. Likely to request referral to a magistrate judge for settlement conference: Yes

b. Likely to request referral to court-annexed arbitration: No

c. Likely to request referral to court-annexed mediation: No

d. The parties will complete private mediation/arbitration by: 07/28/2023

e. Evaluate case for settlement/ADR on: 07/28/2023

f. Settlement probability: Fair

## **7. TRIAL AND PREPARATION FOR TRIAL**

### **TIME**

### **DATE**

a. Rule 26(a)(3) pretrial disclosures<sup>1</sup>

Plaintiff(s):

12/22/24

Defendant(s):

1/5/24

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<sup>1</sup> The Parties must disclose and exchange any demonstrative exhibits or animations with the 26(a)(3) disclosures.

- |    |   |                |                          |
|----|---|----------------|--------------------------|
| b. | Objections to Rule 26(a)(3) disclosures<br>(if different than 14 days provided in Rule) |                |                          |
| c. | Special Attorney Conference <sup>2</sup> on or before:                                  |                | <u>1/19/24</u>           |
| d. | Settlement Conference <sup>3</sup> on or before:  |                | <u>1/19/24</u>           |
| e. | Final Pretrial Conference:  | 2:30 p.m.      | <u>2/12/24</u>           |
| f. | Trial   | <u>Length</u>  |                          |
|    | i. Jury Trial <sup>4</sup>  | <u>15 days</u> | 8:30 a.m. <u>2/26/24</u> |

**8. OTHER MATTERS**

Parties should fully brief all Motions in Limine well in advance of the pretrial conference.

Signed December 15, 2021.

BY THE COURT:



Cecilia M. Romero  
United States Magistrate Judge

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<sup>2</sup> The Special Attorneys Conference does not involve the court. During this conference, unless otherwise ordered by the court, counsel will agree, to the extent possible, on voir dire questions, jury instructions, and a pretrial order. They will discuss the presentation of the case, and they should schedule witnesses to avoid gaps and disruptions. The parties should mark exhibits in a way that does not result in duplication of documents. The pretrial order should include any special equipment or courtroom arrangement requirements.

<sup>3</sup> The Settlement Conference does not involve the court unless the court enters a separate order. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

<sup>4</sup> Under 28 U.S.C. § 2402, the claim against the United States is tried to the court, not a jury.